IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 3725 of 2007(R)

PETITIONER:

SARALAMMA, PANUVELIL PADEETHATHIL,
VETTIYAR, MAVELIKKARA.

BY ADV. SRI.R.REJI,
SMT.C.A.AJITHA SALAM.

RESPONDENTS:
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1. **THE ADDITIONAL DISTRICT MAGISTRATE,**
   ALAPPUZHA.

2. **THE TAHSILDAR,**
   MAVELIKKARA.

3. **PARVATHI, W/O. LATE NARAYANAN ACHARI,**
   PANUVELIL PADEETTATHIL, VETTIYAR,
   MAVELIKKARA.

BY ADV. SRI.R.PADMAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.3725 of 2007-R

Dated this the Ist day of March, 2007

JUDGMENT

The petitioner has approached this court feeling aggrieved by an observation made by the Additional District Magistrate, Alappuzha while passing Ext.P3 order permitting to draw electricity line through her property, to give power connection to the third respondent. The offending observation reads as follows:

> "The Tahsildar, Mavelikara, in his letter dated 8-12-2006 stated that the pathway is using (sic-used) by the proposed consumer for about 50 years and that the route proposed by the petitioner is feasible, less expensive and convenient one."

2. The petitioner submits, the observation that the third respondent is using the pathway for about 50 years is absolutely incorrect. If the said observation is allowed to stand, the petitioner will be seriously prejudiced.

3. The above dispute raised by the petitioner is a civil dispute. It is declared that the petitioner will not be bound by the above observation. If the matter is brought before any civil court, that court

will be free to take a decision on it, on the basis of the evidence before it, without being bound by Ext.P2.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS